

030356
U.S. Application No. 10/720,892 Examiner Nelson Art Unit 2109
Response to July 26, 2007 Office Action

REMARKS

In response to the Office Action dated July 26, 2007, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks. The Assignee respectfully submits that the pending claims are ready for allowance.

Claims 2-23 are pending in this application.

Allowable Claims

Examiner Nelson again indicates that claims 12 and 13 would be allowable. Examiner Nelson explains that these claims should positively recite that users "negotiate with other services providers." As Examiner Nelson suggests, then, claims 12 and 13 have been amended to recite "*negotiating, at the user's client device, with other service providers of other communications networks to fulfill the request for communications service.*" Independent claim 13 is reproduced below, and independent claims 12, 15, and 21-23 recite similar features.

[c13] A method of providing communications services, comprising:

receiving a request for communications service, the request for communications service originating from a client communications device associated with a user, the request for communications service communicated via a communications network to a service provider; and

negotiating, at the user's client device, with other service providers of other communications networks to fulfill the request for communications service.

The Assignee thus respectfully solicits a prompt Notice of Allowance of claims 2-23.

Rejections under § 112

Claims 12-13, 15, and 21-23 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. These independent claims have been amended to positively recite "*negotiating, at*

030356
U.S. Application No. 10/720,892 Examiner Nelson Art Unit 2109
Response to July 26, 2007 Office Action

the user's client device, with other service providers of other communications networks to fulfill the request for communications service." Independent claims 12, 13, 15, and 21-23 thus fully comply with the patent laws.

Rejections under § 101

The Office rejected claims 15 and 21 under 35 U.S.C. § 101 as claiming non-statutory subject matter. The preambles have been amended to recite a "*computer program product comprising computer readable media storing processor-executable instructions for performing a method of providing communications services.*" Independent claims 15 and 21 thus fully comply with the patent laws.

The Office rejected claims 22 and 23 under 35 U.S.C. § 101 as claiming non-statutory subject matter. These claims have been amended to recite means-plus-function language. Independent claims 22 and 23 thus fully comply with the patent laws.

Rejections under § 102

The Office rejected claims 13-14, 17-18, and 21-22 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent 5,862,471 to Tiedemann, Jr., *et al.* Claims 13-14, 17-18, and 21-22, however, cannot be anticipated. These claims recite, or incorporate, features that are not disclosed or suggested by *Tiedemann*. Independent claims 13 and 21-22, for example, recite "*negotiating, at the user's client device, with other service providers of other communications networks to fulfill the request for communications service.*" The patent to Tiedemann, Jr., *et al.* fails to disclose or suggest at least these features. *Tiedemann* provides roaming mobile users with notice of roaming expenses. See U.S. Patent 5,862,471 to Tiedemann, Jr., *et al.* at column 2, lines 1-8. Even though *Tiedemann* provides an indication of the roaming costs, *Tiedemann* fails to disclose or suggest "*negotiating, at the user's client device, with other service providers of other communications networks to fulfill the request for communications service.*" The patent to Tiedemann, Jr., *et al.*, quite simply, is silent to any negotiation with roaming service providers.

030356
U.S. Application No. 10/720,892 Examiner Nelson Art Unit 2109
Response to July 26, 2007 Office Action

Tiedemann, then, cannot anticipate independent claim 13, from which claims 14 and 17-18 depend. *Tiedemann* also cannot anticipate independent claims 21-22. The Office, then, is respectfully requested to remove the § 102 (b) rejection of claims 13-14, 17-18, and 21-22.

Rejection of Claims 5-12, 15 & 23 under § 103

The Office rejected claims 5-12, 15, and 23 under 35 U.S.C. § 103 (a) as being obvious over *Tiedemann, Jr.* in view of U.S. Patent Application Publication 2002/0087674 to *Guilford, et al.* Claims 5-12, 15, and 23, however, cannot be obvious. These claims recite, or incorporate, features that are not disclosed or suggested by the combined teaching of *Tiedemann* with *Guilford*. Independent claims 12, 15, and 23, for example, recite “*negotiating, at the user's client device, with other service providers of other communications networks to fulfill the request for communications service.*” The patent to *Tiedemann, Jr., et al.*, as explained above, is silent to at least these features, and *Guilford* does not cure these deficiencies. *Guilford* discloses an algorithm for a wireless device that choosing networks. See U.S. Patent Application Publication 2002/0087674 to *Guilford, et al.* at paragraph [0047]. The algorithm analyzes various parameters and directs the wireless device to switch to another service provider's network. See *id.* at paragraph [0062]. The parameters may include quality of service, cost of service, network load, coverage, and signal strength. See *id.* at paragraphs [0063] through [0068]. *Guilford* also explains that a service provider may request offers from other service providers for processing a service request. See *id.* at paragraph [0097]. The wireless customer's service provider may accept bids from other service providers. See *id.* at paragraph [0103].

Even so, *Tiedemann* with *Guilford* cannot obviate the independent claims. Independent claims 12, 15, and 23 recite “*negotiating, at the user's client device, with other service providers of other communications networks to fulfill the request for communications service.*” The combined teaching of *Tiedemann* and *Guilford* discloses a service provider that receives bids from other service providers. The combined teaching of *Tiedemann* and *Guilford* fails to teach or suggest “*negotiating, at the user's client device, with other service providers ...*” Because the

030356
U.S. Application No. 10/720,892 Examiner Nelson Art Unit 2109
Response to July 26, 2007 Office Action

proposed combination of *Tiedemann* and *Guilford* is silent to at least these features, one of ordinary skill in the art would not think that independent claims 12, 15, and 23 are obvious.

Claims 5-12, 15, and 23, then, cannot be obvious. Independent claims 12, 15, and 23 recite features that are not taught or suggested by *Tiedemann* and *Guilford*. The dependent claims 5-11 incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 5-12, 15, and 23 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 2-4 under § 103

The Office rejected claims 2-4 under 35 U.S.C. § 103 (a) as being obvious over *Tiedemann, Jr.* in view of U.S. Patent 6,058,301 to *Daniels*. Claims 2-4, however, depend from independent claim 12 and, thus incorporate the same distinguishing features. As the above paragraphs explained, *Tiedemann* fails to disclose or suggest “*negotiating, at the user's client device, with other service providers of other communications networks to fulfill the request for communications service.*” The patent to *Daniels* does not cure these deficiencies. Even if *Daniels* permits credit worthy customers to roam across the country, as the Office alleges, the combined teaching of *Tiedemann* and *Daniels* cannot obviate independent claim 12. One of ordinary skill in the art, then, would not think that claims 2-4, which depend from independent claim 12, are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claim 16 under § 103

The Office rejected claim 16 under 35 U.S.C. § 103 (a) as being obvious over *Tiedemann, Jr.* in view of *Guilford* and further in view of *Daniels*. Claim 16, however, depends from independent claim 13 and, thus incorporates the same distinguishing features. As the above paragraphs explained, *Tiedemann, Guilford*, and *Daniels* are all silent to the features recited by

030356
U.S. Application No. 10/720,892 Examiner Nelson Art Unit 2109
Response to July 26, 2007 Office Action

independent claim 13. One of ordinary skill in the art, then, would not think that claim 16 is obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of claim 16.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,



Scott P. Zimmerman
Attorney for the Assignee
Reg. No. 41,390

page 11